Expedited Bill No. __18 -10

Concerning: Personnel - Retirement - Furlough-Imputed Compensation

Revised: April 8, 2010 Draft No. __1

Introduced: April 13, 2010

Enacted: May 20, 2010

Executive: May 29, 2010

Effective: July 1, 2010

Sunset Date: None

Ch. __21 _, Laws of Mont. Co. __2010

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) amend the definition of regular earnings under the employees' retirement system and the retirement savings plan to include certain imputed compensation not received due to a furlough; and
- (2) generally amend the law regarding the employees' retirement system and the retirement savings plan.

By amending

Montgomery County Code Chapter 33, Personnel and Human Resources Sections 33-35, 33-113 and 33-128

Boldface Underlining [Single boldface brackets] Double underlining [[Double boldface brackets]] * * *	Heading or defined term. Added to existing law by original bill. Deleted from existing law by original bill. Added by amendment. Deleted from existing law or the bill by amendment. Existing law unaffected by bill
* * *	Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 33-35, 33-113 and 33-128 are amended as follows:

33-35. Definitions

In this Article, the following words and phrases have the following meanings:

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Regular earnings: Except as otherwise provided, gross pay for actual hours worked, including paid leave, but not including overtime. Regular earnings for a Group A, E, or H member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4.5% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. Regular earnings for a Group F member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4.25% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. Regular earnings for a Group G member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. If a member is required to take any furlough, as defined in personnel regulations adopted under Section 33-7(b), regular earnings must include any amount the member would have received if the member had not been required to take any furlough. Regular earnings for an elected official is gross pay for services rendered to the County. Regular earnings must not exceed the limit under Internal Revenue Code Section 401(a)(17), as adjusted by the Internal Revenue Service. Gross pay must be used to determine benefits even if the County implements a pick-up plan under Section 414 of the Internal Revenue Code. Gross pay must be

- used to determine benefits even if a member has agreed to a reduction in earnings 28 under: 29 the County's deferred compensation plan under Section 457 of the 30 (a) Internal Revenue Code; or 31 (b) any statutory fringe benefit program sponsored by the County and 32 permitted by the Internal Revenue Code. 33 34 33-113. Definitions. 35 In this Division the following words and phrases have the following 36 37 meanings: 38 Regular earnings means gross pay for actual hours worked, including 39 (p) paid leave, but not including [exclusive of] overtime, without 40 41 reduction for participant contributions that are picked up under Section 33-116(a), or contributions to any County deferred 42 compensation plan or statutory fringe benefit program. 43 If a participant is required to take any furlough, as defined in personnel 44 regulations under Section 33-7(b), regular earnings must include any 45 amount the participant would have received if the participant had not 46 47 been required to take any furlough. * 48 33-128. Definitions. 49 In this Division, the following words and phrases have the following 50 meanings: 51 52
- Final earnings means the annual average of the regular salary of an employee less any shift pay differential for the 18-month period immediately before the disability

55	or any period of 18 consecutive months, whichever is greater. If a participant is
56	required to take any furlough, as defined in personnel regulations adopted under
57	Section 33-7(b), final earnings must include any amount the participant would
58	have received if the participant had not been required to take any furlough.
59	* * *
60	Sec. 2. Effective Date. The Council declares that this Act is necessary for
61	the immediate protection of the public interest. This Act takes effect on July 1
62	2010.
63	Approved:
64 65	Mancy Floreen, President, County Council Date
66	Approved:
67	Sal (201) 5/29/20
	Isiah Leggett, County Executive Date
68	This is a correct copy of Council action.
69	Janda M. Janen 5/1/10
	Linda M. Lauer, Clerk of the Council Date